IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 606 OF 2007
IN
SECOND APPEAL NO. 55 OF 2007

M/S. MABAREST HOTELS PVT. LTD.
THROUGH DIRECTOR MR. HARISH SHETTY ... Applicant

Versus

TEOTONIO NUNES (DECEASED) THROUGH LR'S ... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar, Advocate for the applicant.
Mr. V. R. Tamba, Advocate for the respondents.

Coram:- R. S. MOHITE, J.

Date:- 4th October, 2007

P.C.

This is an application filed by the respondent in the second appeal for an order restraining the appellants from obstructing the respondent to carry out the repair works in terms of sketch at annexure "A". The sketch indicates that the respondent wants to carry out certain plumbing work. The decree under appeal is an eviction decree. The relief which is sought in this application pertains to different cause of action, not directly linked to the issues which are involved in the second appeal. Hence, this application is rejected.

It is, however, made clear that the applicant will be at liberty to file such proceeding seeking the same relief as sought in this application before the competent forum. If such such a proceeding is filed, the same will be decided without being influenced by rejection of this application.

R. S. MOHITE, J.

ssm.